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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Frank A. Howell

GROUP: 3677

SERIAL NO: 10/822,549

EXAMINER: Ruth C. Rodriguez

FILED: 04/12/2004

FOR: RAPID ATTACHMENT BUCKLE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF AMENDED APPEAL BRIEF (PATENT APPLICATION--37 CFR 192)

1. Transmitted herewith in triplicate is the revised APPEAL BRIEF in this application with respect to the Notice of Appeal filed on April 12, 2006 and the Notification of Non-Compliant Appeal Brief mailed on July 3, 2006. A copy of the Notification of Non-Compliant Appeal Brief is enclosed.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief *in triplicate*." 37 CFR 1.192(a) [emphasis added]

2. STATUS OF APPLICANT

This application is on behalf of

X a small entity

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

— small entity \$250.00

— other than a small entity \$500.00

Appeal Brief fee due \$ PREVIOUSLY PAID

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on August 3, 2006 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV901971939US addressed to the: Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450, Mail Stop Appeal Brief-Patents

Handwritten signature of Meghan H. Carr
Meghan H. Carr

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

- (a) — Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
— one month	\$120.00	\$60.00
— two months	\$450.00	\$225.00
— three months	\$1,020.00	\$510.00
— four months	\$1,590.00	\$795.00

Fee \$

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$

or

- (b) X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$

Extension fee (if any) \$

TOTAL FEE DUE: \$

6. FEE PAYMENT

— Attached is a check in the sum of \$

— Charge Account No. 19-0079 the sum of _____.

A duplicate of this transmittal is attached.

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

X If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 19-0079.

AND/OR

X If any additional fee for claims is required, charge Account No. 19-0079.

Respectfully submitted,



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,549	04/12/2004	Frank A. Howell	6964CIP	1813

55740 7590 07/03/2006

GAUTHIER & CONNORS, LLP
225 FRANKLIN STREET
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JUL 05 2006

GAUTHIER & CONNORS LLP

EXAMINER

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DOCKETED

Please find below and/or attached an Office communication concerning this application or proceeding.

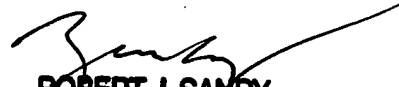
Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 10/822,549	Applicant(s) HOWELL, FRANK A.	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 17 May 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☒ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and **relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☒ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):


ROBERT J. SANDY
PRIMARY EXAMINER

The brief does not contain the items of the brief required by 37 CFR 41.37(c)(1) under the appropriate headings and/or in the order indicated. The following headings are missing: Summary of claimed subject matter page(s), Grounds of rejection to be reviewed on appeal page(s), Evidence appendix page(s) and Related proceedings appendix page(s).

Defect in Statement of Status of Claims

The brief does not contain a statement of the status of all the claims, e.g., rejected, allowed or confirmed, withdrawn, objected to, or canceled, and identification of the claims being appealed as required by 37 CFR 41.37(c)(1)(iii). The brief does not identify the claims being appealed.

Defect in Summary of Claimed Subject Matter

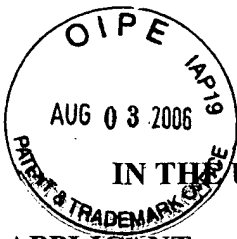
The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters; and/or does not identify the structure, material, or acts described in the specification as corresponding to each claimed function for every means plus function and step plus function for each independent claim involved in the appeal and for each dependent claim argued separately by reference to the specification by page and line number, and to the drawing, if any, by reference characters, as required by 37 CFR 41.37(c)(1)(v). The proper heading was not used for this section.

Defect in Statement of the Grounds of Rejection to be Reviewed on Appeal

The brief does not contain a concise statement of each ground of rejection presented for review as required by 37 CFR 41.37(c)(1)(vi). This section is not included in the appeal's brief.

Defect in Evidence appendix page(s) and Related proceedings appendix page(s)

The brief does not contain these appendices that should be included even if not evidence or related proceedings are used as required by 37 CFR 41.33 and 37 CFR 41.37(c)(1)(ii).

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Frank A. Howell **GROUP:** 3677
SERIAL NO: 10/822,549 **EXAMINER:** Ruth C. Rodriguez
FILED: 04/12/2004
FOR: RAPID ATTACHMENT BUCKLE

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

AMENDED APPEAL BRIEF

Pursuant to 35 U.S.C. §134 and 37 C.F.R. §§1.191, 1.192, and 1.196, Appellant respectfully appeals to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1 and 8-15.

I. REAL PARTY IN INTEREST

The real party of interest is Illinois Tool Works, Inc. of 3600 West Lake Avenue, Glenview, Illinois.

II. RELATED APPEALS AND INTERFERENCES

The present application has no pending related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1 and 8-15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dillin (U.S. 541,729). Claims 8-14 additionally stand rejected under 35 U.S.C. 102(b) as being anticipated by Scholey (U.S. 5,970,585). Claims 2 - 7 are withdrawn. Claims 1 and 8 - 15 are the subject of this appeal.

IV. STATUS OF AMENDMENTS

No amendments after the final rejection have been filed.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

With reference to figures 1-8, one embodiment of a buckle 30 in accordance with the present invention is shown for capturing and releasably retaining the thickened end tab 28' of a strap 28 having a width and thickness. The buckle has a base 32 with parallel side walls 34 extending upwardly therefrom to define an open-ended receiving channel 36. Flanges 38 are spaced vertically from the base 32 and extend inwardly from the side walls 34 to define an open-ended slot 40 communicating with the receiving channel 36. The flanges 38 have converging sections leading from a maximum slot width W_m at the entry end of channel 36 to a reduced slot width W_r at an intermediate location along the channel length.

As such, and as shown at 28c in Figure 6, the slot 40 is configured and dimensioned to accommodate longitudinal pinching and lateral insertion of the strap 28 into the receiving channel 36. The converging flange sections have undersides 43, 44, 46 configured to coact with the base 32 in releasably wedging the end tab 28' in the

receiving channel 36, as shown in Figure 8. Again with reference to Figure 8, it will be seen that the buckle is seated on a lower run 28a of the strap 28, and is held in place by an attachment web extending over the base 32 (mistakenly designated at 82) and stitched as at 50 to the lower strap run 28a and an underlying ruck sack 24 or the like.

A second buckle embodiment 30' is disclosed in Figures 9, 10, and 12. The second embodiment differs from the first in that its base 32 is interrupted by transverse slots 56. As can best be seen in Figure 10, the buckle 30' is designed for mounting on a length of strap 58 threaded through the slots 56.

A third buckle embodiment 30" is illustrates in Figure 12. Buckle 30" differs from buckle 30 with regard to its base and side walls, which are formed as integral parts of a frame structure 66.

With reference to independent Claim 1, the invention relates to a buckle (*Specification, page 6, lines 18 - 19, page 7, lines 1 and 11, and reference 30' in Figures 9, 10 and 12*) for use with a flexible strap (*Specification, page 6, lines 20, 23, 24, page 7, lines 2, 4, 8, 12 and 14 and reference 58 in Figures 9 - 12*) having a substantially uniform width and thickness and an end tab (*Specification, page 7, lines 11, 12, 13 and 21, page 8, line 1, and reference 58' in Figures 11 and 12*) of increased thickness. The buckle (*Specification, page 6, lines 18 - 19, page 7, lines 1 and 11, and reference 30' in Figures 9, 10 and 12*) is for capturing and releasably retaining the end tab (*Specification, page 7, lines 11, 12, 13 and 21, page 8, line 1, and reference 58' in Figures 11 and 12*). The buckle (*Specification, page 6, lines 18 - 19, page 7, lines 1 and 11, and reference 30' in Figures 9, 10 and 12*) includes a base (*Specification, page 6, lines 17 - 19, and reference 32 in Figures 9, 10 and 12*), parallel side walls (*Specification, page 6, lines 17 - 19, and*

reference 34 in Figure 9), first slots (*Specification*, page 6, lines 19 and 20, page 7, lines 3, 8, 16 and 17, and reference 56 in Figures 9, 10 and 12), and flanges (*Specification*, page 6, lines 17 - 19, page 7, lines 15, 16 and 23, and reference 38 in Figures 9, 10 and 12). The parallel side walls (*Specification*, page 6, lines 17 - 19, and reference 34 in Figure 9) extend upwardly from and cooperate with the base (*Specification*, page 6, lines 17 - 19, and reference 32 in Figures 9, 10 and 12) to define an open-ended receiving channel (*Specification*, page 6, lines 17 - 19 and reference 36 in Figure 10) having an entry end (*Specification*, page 6, lines 17 - 19, page 7, line 7, page 8, line 8, and reference 36a in Figure 10) and an exit end (*Specification*, page 7, line 6, page 6, lines 17 - 19 and reference 36b in Figure 10). The first slots (*Specification*, page 6, lines 19 and 20, page 7, lines 3, 8, 16 and 17, and reference 56 in Figures 9, 10 and 12) extend transversally across the base (*Specification*, page 6, lines 17 - 19, and reference 32 in Figures 9, 10 and 12). The buckle (*Specification*, page 6, lines 18 - 19, page 7, lines 1 and 11, and reference 30' in Figures 9, 10 and 12) is attached to the strap (*Specification*, page 6, lines 20, 23, 24, page 7, lines 2, 4, 8, 12 and 14 and reference 58 in Figures 9 - 12) by weaving the strap (*Specification*, page 6, lines 20, 23, 24, page 7, lines 2, 4, 8, 12 and 14 and reference 58 in Figures 9 - 12) into and out of said channel (*Specification*, page 6, lines 17 - 19 and reference 36 in Figure 10) through the first slots (*Specification*, page 6, lines 19 and 20, page 7, lines 3, 8, 16 and 17, and reference 56 in Figures 9, 10 and 12). The flanges (*Specification*, page 6, lines 17 - 19, page 7, lines 15, 16 and 23, and reference 38 in Figures 9, 10 and 12) are spaced vertically from the base (*Specification*, page 6, lines 17 - 19, and reference 32 in Figures 9, 10 and 12) and extend inwardly in cantilever fashion from the side walls (*Specification*, page 6, lines 17 -

19, and reference 34 in Figure 9) to define an open-ended second slot (*Specification, page 5, lines 10, 12, 23, page 6, lines 1, 14, 17 - 19, and reference 40 in Figure 4*) communicating with and extending along the length of the receiving channel (*Specification, page 6, lines 17 - 19 and reference 36 in Figure 10*). The second slot (*Specification, page 5, lines 10, 12, 23, page 6, lines 1, 14, 17 - 19, and reference 40 in Figure 4*) is configured and dimensioned to accommodate longitudinal pinching and lateral insertion of the strap (*Specification, page 6, lines 20, 23, 24, page 7, lines 2, 4, 8, 12 and 14 and reference 58 in Figures 9 - 12*) into the receiving channel (*Specification, page 6, lines 17 - 19 and reference 36 in Figure 10*). The flanges (*Specification, page 6, lines 17 - 19, page 7, lines 15, 16 and 23, and reference 38 in Figures 9, 10 and 12*) have undersides (*Specification, page 6, lines 17 - 19, page 7, lines 15, 19 and 20, and references 42, 46 in Figures 10 and 12*) configured to accommodate receipt of the end tab (*Specification, page 7, lines 11, 12, 13 and 21, page 8, line 1, and reference 58' in Figures 11 and 12*) in the receiving channel (*Specification, page 6, lines 17 - 19 and reference 36 in Figure 10*) via the entry end (*Specification, page 6, lines 17 - 19, page 7, line 7, page 8, line 8, and reference 36a in Figure 10*), and to releasably wedge the end tab (*Specification, page 7, lines 11, 12, 13 and 21, page 8, line 1, and reference 58' in Figures 11 and 12*) in and prevent withdrawal of the end tab from the receiving channel (*Specification, page 6, lines 17 - 19 and reference 36 in Figure 10*) via the exit end (*Specification, page 7, line 6, page 6, lines 17 - 19 and reference 36b in Figure 10*).

With reference to independent Claim 8, the invention relates to a buckle (*Specification, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and*

reference 30'' in Figure 13) for use with a flexible strap (Specification, page 5, lines 3, 5, 16, 20, 21, page 6, lines 10, 20, 23, 24, page 7, lines 2, 4, 8, 12, 14, page 8, lines 6 - 9, reference 28 in Figures 1 - 8, and reference 58 in Figures 9 - 12) having a width and thickness and an end tab (Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 6 - 9, reference 28' in Figures 1 and 6 - 8, and reference 58' in Figures 11 and 12) of increased thickness. The buckle (Specification, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and reference 30'' in Figure 13) is for capturing and releasably retaining the end tab (Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 6 - 9, reference 28' in Figures 1 and 6 - 8, and reference 58' in Figures 11 and 12). The buckle (Specification, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and reference 30'' in Figure 13) includes a base (Specification, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12), parallel side walls (Specification, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9), and flanges (Specification, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12). The parallel side walls (Specification, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9) extend upwardly from the base (Specification, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12) to cooperate therewith in defining an open-ended receiving

channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*). The flanges (*Specification, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12*) are spaced vertically from the base (*Specification, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12*) and extend inwardly from the side walls (*Specification, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9*) to define an open-ended slot (*Specification, page 6, lines 1, 14, 17 - 19, page 8, lines 6 - 9, and reference 40 in Figure 4*) communicating with the receiving channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*). The flanges (*Specification, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12*) have converging sections leading from one end of the slot (*Specification, page 6, lines 1, 14, 17 - 19, page 8, lines 6 - 9, and reference 40 in Figure 4*) to an intermediate location along the length thereof. The slot (*Specification, page 6, lines 1, 14, 17 - 19, page 8, lines 6 - 9, and reference 40 in Figure 4*) is configured and dimensioned to accommodate longitudinal pinching and lateral insertion of the strap (*Specification, page 5, lines 3, 5, 16, 20, 21, page 6, lines 10, 20, 23, 24, page 7, lines 2, 4, 8, 12, 14, page 8, lines 6 - 9, reference 28 in Figures 1 - 8, and reference 58 in Figures 9 - 12*) into the receiving channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*). The converging sections of the flanges (*Specification, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and*

reference 38 in Figures 1 - 5, 9, 10 and 12) have undersides (Specification, page 6, lines 8, 9, page 6, lines 17 - 19, page 7, lines 15, 19 and 20, page 8, lines 6 - 9, and references 42, 46 in Figures 3 - 5, 6, 10 and 12) configured to coact with the base (Specification, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12) in releasably wedging the end tab (Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 8 - 9, reference 28' in Figures 1 and 6 - 8, and reference 58' in Figures 11 and 12) in the receiving channel (Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10).

With reference to independent Claim 9, the invention relates to a buckle (Specification, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and reference 30'' in Figure 13) for use with a flexible strap (Specification, page 5, lines 3, 5, 16, 20, 21, page 6, lines 10, 20, 23, 24, page 7, lines 2, 4, 8, 12, 14, page 8, lines 6 - 9, reference 28 in Figures 1 - 8, and reference 58 in Figures 9 - 12) having a substantially uniform width and thickness and an end tab (Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 6 - 9, reference 28' in Figures 1 and 6 - 8, and reference 58' in Figures 11 and 12) of increased thickness. The buckle (Specification, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and reference 30'' in Figure 13) is for capturing and releasably retaining the end tab (Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 6 - 9, reference 28' in Figures 1 and 6 - 8, and reference

58' in Figures 11 and 12). The buckle (*Specification*, page 5, lines 3, 7, 16, 21, page 6, lines 11, 18, 19, page 7, lines 1, 11, page 8, line 6, and reference 30 in Figures 1 - 8, reference 30' in Figures 9, 10 and 12, and reference 30'' in Figure 13) includes a base (*Specification*, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12), parallel side walls (*Specification*, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9) and flanges (*Specification*, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12). The parallel side walls (*Specification*, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9) extend upwardly from and cooperating with the base (*Specification*, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12) to define an open-ended receiving channel (*Specification*, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10) having an entry end (*Specification*, page 5, lines 8, 12, page 6, lines 5, 13, 17 - 19, page 7, line 7, page 8, lines 3 and 6 - 9, and reference 36a in Figures 3 and 10) and an exit end (*Specification*, page 5, line 8, page 6, lines 10, 17 - 19, page 7, line 6, page 8, lines 6 - 9, and reference 36b in Figures 3 and 10). The flanges (*Specification*, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12) are spaced vertically from the base (*Specification*, page 5, lines 7, 9, 17, page 6, lines 7, 17 - 19, 23, page 8, lines 6 - 9, and reference 32 in Figures 2 - 5, 9, 10 and 12) and extend inwardly in cantilever fashion from the side walls (*Specification*, page 5, lines 7, 9, page 6, lines 17 - 19, page 8, lines 6 - 9, and reference 34 in Figures 1 - 5 and 9) to define an

open-ended slot (*Specification, page 6, lines 1, 14, 17 - 19, page 8, lines 6 - 9, and reference 40 in Figure 4*) communicating with and extending along the length of the receiving channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*). The slot (*Specification, page 6, lines 1, 14, 17 - 19, page 8, lines 6 - 9, and reference 40 in Figure 4*) is configured and dimensioned to accommodate longitudinal pinching and lateral insertion of the strap (*Specification, page 5, lines 3, 5, 16, 20, 21, page 6, lines 10, 20, 23, 24, page 7, lines 2, 4, 8, 12, 14, page 8, lines 6 - 9, reference 28 in Figures 1 - 8, and reference 58 in Figures 9 - 12*) into the receiving channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*). The flanges (*Specification, page 5, lines 8, 11, 13, page 6, lines 17 - 19, page 7, lines 15, 16, 23, page 8, lines 6 - 9, and reference 38 in Figures 1 - 5, 9, 10 and 12*) have undersides (*Specification, page 6, lines 8, 9, page 6, lines 17 - 19, page 7, lines 15, 19 and 20, page 8, lines 6 - 9, and references 42, 46 in Figures 3 - 5, 6, 10 and 12*) with downwardly sloping jamming surfaces (*Specification, page 7, lines 15, 19, 20, page 8, lines 6 - 9, and reference 42 in Figures 3 - 5, 6, 10 and 12*) configured to frictionally retain the end tab (*Specification, page 5, lines 5, 21, page 6, lines 6, 8, 11, 12, 13, page 7, lines 11, 12, 13, 21, page 8, lines 1 and 8 - 9, reference 28' in Figures 1 and 6 - 8, and reference 58' in Figures 11 and 12*) in the receiving channel (*Specification, page 5, lines 8, 10, 12, 22, page 6, lines 1, 5, 6, 8, 9, 17 - 19, page 8, lines 6 - 9, and reference 36 in Figures 3, 4 and 10*).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds for rejection presented for review in this appeal are as follows:

The examiner has rejected claims 1 and 8 - 15 under 35 U.S.C. §102(a) as being anticipated by Dillin (U.S. Pat. No. 541,729); and the examiner has rejected claims 8 - 14 under 35 U.S.C. §102(a) as being anticipated by Scholey (U.S. Pat. No. 5,970,585).

VII. ARGUMENT

A. U.S. Patent No. 541,729 (Dillin)

In Dillin, one end of a cord E is attached to the body A of a bag fastener by looping it through an eye B. The cord is then passed through an enlarged throat D to form a loop encircling the neck L of the bag. The cord can then be pulled tight, passed around the bite N and laid in the recess F, with the knot M seated in the counterbore H.

The recess F is “of substantially the same diameter as the flexible tie or cord E” (lines 35-37). “Especial attention is called to the function attained by having the bight N acting in conjunction with the knot M, the cord E being thereby prevented from slipping outwardly owing to said bight, or inwardly, owing to said knot” (lines 57-62).

B. Claims 1 and 8-15 are not anticipated by Dillin

Claim 1

Claim 1 is not anticipated for at least the following reasons:

- a) Dillin lacks a second slot “configured and dimensioned to accommodate longitudinal pinching and lateral insertion” of the cord E into the recess (slot) F. Rather, as noted above, the recess (slot) F is “of

substantially the same diameter as the flexible tie or cord E” and thus does not require pinching; and

b) the undersides of Dillin’s flanges C are not configured to “releasably wedge” the knot M. Rather, and again as noted above, the cord E (and the knot M) are prevented from slipping outwardly by the bight N.

Claim 8

Claim 8 is not anticipated by Dillin for at least the reasons set forth with respect to claim 1.

Claim 9

Claim 9 is not anticipated by Dillin for at least the reasons set forth with respect to claim 1, and additionally because the undersides of the Dillin flanges C do not have “downwardly sloping jamming surfaces configured to frictionally retain” the knot M in the counterbore G.

Claim 10

Claim 10 is not anticipated by Dillin for at least the reasons set forth with respect to claims 1 or 9, and additionally because the recess (slot) F in Dillin does not have “converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel.” In Dillin, the recess (slot) F has a constant width.

Claim 11

Claim 11 is not anticipated by Dillin for at least the reasons set forth with respect to claims 1, 8 or 9, and additionally because the undersides of the flanges C in Dillin do not define stop surfaces engageable with a shoulder on the knot M of the cord E.

Claim 12

Claim 12 is not anticipated by Dillin for at least the reasons set forth with respect to claim 11, and further because the flanges C in Dillin do not have undersides with jamming surfaces sloping downwardly to stop surfaces.

Claims 13 and 14

Claims 13 and 14 are not anticipated by Dillin for at least the reasons set forth with respect to claims 8 or 9.

Claim 15

Claim 15 is not anticipated by Dillin for at least the reasons set forth with respect to claim 13, and additionally because, contrary to the Examiner's assertion, the body A of the Dillin bag fastener does not have a base with transversely extending slots through which a strap is woven. Instead, Dillin has an eye B through which one end of the cord E is looped and tied, and a throat D through which the knot M and the other end of the cord is passed.

C. U.S. Patent No. 5,970,585 (Scholey)

In the Scholey patent, as best illustrated in Figures 3 and 4, buckle members 16, 18 are employed to connect the opposite ends of an elastic strap 20. The end of buckle

member 18 is formed with outwardly extending wing portions 22 which fit within outwardly extending flange members 24 formed at the end of buckle member 16. The buckle members are connected by interengaging the wing members 22 with the flange members 24. The two buckle members are retained together in an interengaged relationship by tension in the elastic strap.

D. Claims 8-14 are not anticipated by Scholey

Claim 8

Claim 8 is not anticipated by Scholey for at least the following reasons:

a. Scholey lacks a second slot “configured in dimension to accommodate longitudinal pinching and lateral insertion” of the strap 20. In Scholey, the strap has a narrow width which measures less than the space between the flange members 24 on the buckle member 16. Thus, there is no need to longitudinally pinch the strap 20 in order to operatively position the buckle member 18 in interlocked engagement with the buckle member 16; and

b. the undersides of Scholey’s flange members 24 are not disclosed as being configured to “releaseable wedge” the wing members 22 on buckle member 18. Rather, the wing members 22 are maintained in an abutting interlocked relationship with the flanges 24 by tension in the elastic strap 20.

Claim 9

Claim 9 is not anticipated by Scholey for at least the reasons set forth with respect to claim 8, and additionally because the undersides of the Scholey flange members 24 do not have “downwardly sloping jamming surfaces configured to frictionally retain” the wing members 22 on buckle member 18.

Claim 10

Claim 10 is not anticipated by Scholey for at least the reasons set forth with respect to claims 1 or 9, and additionally because the space (slot) between the flange members 24 does not have “converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel.”

Claim 11

Claim 11 is not anticipated by Scholey for at least the reasons set forth with respect to claims 1 or 9, and additionally because the undersides of the flange members 24 do not define stop surfaces engageable with shoulders on the wing members 22.

Claim 12

Claim 12 is not anticipated by Scholey for at least the reasons set forth with respect to claim 11, and further because the flange members 24 in Scholey do not have undersides with jamming surfaces sloping downwardly to stop surfaces.

Claims 13 and 14

Claims 13 and 14 are not anticipated by Scholey for at least the reasons set forth with respect to claims 8 or 9.

Claim 15

Claim 15 is not anticipated by Scholey for at least the reasons set forth with respect to claim 13, and additionally because neither of the buckle members

16, 18 has a base with transversely extending slots through which the strap 20 is woven.

VIII. CLAIMS APPENDIX

1. For use with a flexible strap having a substantially uniform width and thickness and an end tab of increased thickness, a buckle for capturing and releasably retaining said end tab, said buckle comprising:

a base;

parallel side walls extending upwardly from and cooperating with said base to define an open-ended receiving channel having an entry end and an exit end;

first slots extending transversally across said base, said buckle being attached to said strap by weaving said strap into and out of said channel through said first slots;

flanges spaced vertically from said base and extending inwardly in cantilever fashion from said side walls to define an open-ended second slot communicating with and extending along the length of said receiving channel, said second slot being configured and dimensioned to accommodate longitudinal pinching and lateral insertion of said strap into said receiving channel, said flanges having undersides configured to accommodate receipt of said end tab in said receiving channel via said entry end, and to releasably wedge said end tab in and prevent withdrawal of said end tab from said receiving channel via said exit end.

2. (Withdrawn) The buckle of claim 1 wherein said flanges have converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel.

3. (Withdrawn) The buckle of claim 1 wherein said end tab defines a shoulder extending transversally across the width of said strap, and wherein the undersides of said flanges define stop surfaces engageable with said shoulder.
4. (Withdrawn) The buckle of claim 3 wherein the undersides of said flanges further define jamming surfaces sloping downwardly towards said stop surfaces.
5. (Withdrawn) The buckle of claim 1 wherein said base is secured to a section of said strap.
6. (Withdrawn) The buckle of claim 1 wherein said base is formed as an integral part of a carrier structure.
7. (Withdrawn) The buckle of claim 1 further comprising attachment slots extending transversally across said base, said buckle being attached to said strap by weaving said strap into and out of said channel through said attachment slots.
8. For use with a flexible strap having a width and thickness and an end tab of increased thickness, a buckle for capturing and releasably retaining said end tab, said buckle comprising:
 - a base;
 - parallel side walls extending upwardly from said base to cooperate therewith in defining an open-ended receiving channel;
 - flanges spaced vertically from said base and extending inwardly from said side walls to define an open-ended slot communicating with said receiving channel, said flanges having converging sections leading from one end of said slot to an intermediate location along the length thereof, said slot being configured and dimensioned to accommodate longitudinal

pinching and lateral insertion of said strap into said receiving channel, and said converging sections of said flanges having undersides configured to coact with said base in releasably wedging said end tab in said receiving channel.

9. For use with a flexible strap having a substantially uniform width and thickness and an end tab of increased thickness, a buckle for capturing and releasably retaining said end tab, said buckle comprising:

a base;

parallel side walls extending upwardly from and cooperating with said base to define an

open-ended receiving channel having an entry end and an exit end;

flanges spaced vertically from said base and extending inwardly in cantilever

fashion from said side walls to define an open-ended slot communicating

with and extending along the length of said receiving channel, said slot

being configured and dimensioned to accommodate longitudinal pinching

and lateral insertion of said strap into said receiving channel, and said

flanges having undersides with downwardly sloping jamming surfaces

configured to frictionally retain said end tab in said receiving channel.

10. The buckle of claims 1 or 9 wherein said flanges have converging sections leading from a maximum width of said slot at the entry end of said receiving channel to a reduced width of said slot at an intermediate location along the length of said channel.

11. The buckle of claims 1, 8 or 9 wherein said end tab defines a shoulder extending transversally across the width of said strap, and wherein the undersides of said flanges define stop surfaces engageable with said shoulder.

12. The buckle of claim 11 wherein said jamming surfaces slope downwardly towards said stop surfaces.

13. The buckle of claims 8 or 9 wherein said base is secured to a section of said strap.

14. The buckle of claims 8 or 9 wherein said base is formed as an integral part of a carrier structure.

15. The buckle of claim 13 further comprising attachment slots extending transversally across said base, said buckle being attached to said strap by weaving said strap into and out of said channel through said attachment slots.

IX. Evidence Appendix

There is no further evidence that bears on the issues in the present appeal.

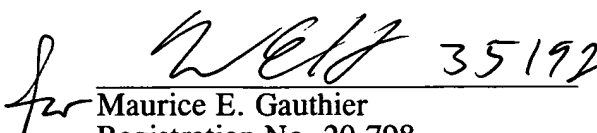
X. Related Proceedings Appendix

There are no decisions rendered by a court or the Board in any proceeding identified above pursuant to 37 C.F.R. §41.37(c)(1)(ii).

XI. Conclusion

For the foregoing reasons, applicant respectfully requests that the Board of Patent Appeals and Interferences reverse the Examiner's final rejections of each of claims 1 and 8 - 15.

Respectfully submitted,

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